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January 19, 2021

via electronic transmission

Honorable Noel L. Hillman
United States District Judge
4th & Cooper Sts.
Camden, NJ

Re: Whiteside v. Fort Dix, Civil No. 20-5544 (NLH)

Dear Judge Hillman:

On January 11, 2021, Your Honor appointed me to represent Robert Whiteside in the above-captioned habeas case.

Last Friday, I searched the docket for Mr. Whiteside's underlying criminal case to see if I could mine arguments that would support his petition.

In the process, I came across information that I believe I am required to disclose as an officer of the court and an attorney bound by RPC 3.3 (Candor Toward The Tribunal). Specifically, in reviewing the docket in USA v. Whiteside, 5:15-cr-00126-D-1 (E.D.N.C.), I learned that on January 6th of this year, Mr. Whiteside filed a motion for compassionate release with exhibits; on January 7th the Federal Public Defender was appointed to represent him; and, on January 13th an additional exhibit was filed by Mr. Whiteside. (Please refer to attached docket entries.)

I do not mean to suggest that it was improper for Mr. Whiteside to file a motion in North Carolina; only that it would be inappropriate for me to fail to disclose these facts.


Respectfully,

cc: AUSA Elizabeth Pascal (via electronic transmission)
Me. Robert Whiteside

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CRIMINAL DOCKET FOR CASE #: 5:15-cr-00126-D-1**

Case title: USA v. Whiteside

Date Filed: 04/21/2015

Date Terminated: 06/10/2016

Assigned to: District Judge James C. Dever,
III

Appeals court case number: 16-4372 4th
Circuit Court of Appeals

Defendant (1)

Robert Edward Whiteside
TERMINATED: 06/10/2016

represented by **Devon Donahue**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/13/2021	<u>90</u>	Letter - Exhibit W as to <u>87</u> Motion for Compassionate Release - First Step Act filed by Robert Edward Whiteside. (Attachments: # <u>1</u> Envelope) (Roy, S.) (Entered: 01/15/2021)
01/12/2021	<u>89</u>	Notice of Attorney Appearance: Richard Croutharmel appearing for Robert Edward Whiteside <i>First Step Act</i> . (Croutharmel, Richard) (Entered: 01/12/2021)
01/07/2021	<u>88</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Robert Edward Whiteside. Pursuant to <u>19-SO-3</u> , the Federal Public Defender is appointed as counsel to determine whether the defendant may qualify to seek a reduction of sentence. Signed by District Judge Terrence W. Boyle on 1/25/2019. (Roy, S.) Modified on 1/7/2021 - copy mailed to defendant (Roy, S.). (Entered: 01/07/2021)
01/06/2021	<u>87</u>	Motion for Compassionate Release - First Step Act filed by Robert Edward Whiteside as to Robert Edward Whiteside. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Defendants Contact Information, # <u>3</u> Exhibit Cover Letter, # <u>4</u> Exhibit Index, # <u>5</u> Brief Cover Letter, # <u>6</u> Exhibit M - Discover Magazine Article, # <u>7</u> Exhibit N - New York Times News Article, # <u>8</u> Exhibit P - Crohn's Disease Information, # <u>9</u> Exhibit Q - Pfizer Vaccine Effectiveness, # <u>10</u> Exhibit R - PTSD Associated Press Article, # <u>11</u> Exhibit S - 12/16/20 and 12/17/20 Fort

		Dix Events, # <u>12</u> Exhibit T - Rehabilitative and Restorative Justice, # <u>13</u> Exhibit U - Sentencing Computation Data, # <u>14</u> Exhibit V - Sentencing Justice, # <u>15</u> Exhibit W - BOP Compassionate Release Request, # <u>16</u> Exhibit X - BOP Medical Duty Status, # <u>17</u> Exhibit Y - BOP Risk Scoring Worksheet, # <u>18</u> Exhibit Z - Individualized Re-Entry Plan, # <u>19</u> Envelope) (Roy, S.) (Entered: 01/07/2021)
08/05/2019	<u>86</u>	ORDER granting <u>85</u> Motion for leave to destroy items seized from defendant filed by USA as to Robert Edward Whiteside (1). Signed by District Judge James C. Dever III on 8/5/2019. (Jenkins, C.) (Entered: 08/05/2019)
06/19/2019		Motion Submitted to District Judge James C. Dever III as to Robert Edward Whiteside regarding <u>85</u> MOTION leave to destroy items seized from defendant. (Jenkins, C.) (Entered: 06/19/2019)
06/13/2019	<u>85</u>	MOTION leave to destroy items seized from defendant filed by USA as to Robert Edward Whiteside. (Attachments: # <u>1</u> Exhibit List of Items in Evidence, # <u>2</u> Text of Proposed Order Granting leave to destroy items in evidence) (Kocher, Barbara) (Entered: 06/13/2019)
10/19/2017	<u>84</u>	US Marshal Return of Service on Notice to be Posted on Property: 2009 Victory Motorcycle, 2011 Beti Trailer, and 2008 Tilt-Bed Load Trailer - returned unexecuted as to Robert Edward Whiteside per withdrawal of writ. (Jenkins, C.) (Entered: 10/19/2017)
10/03/2017	<u>83</u>	WITHDRAWAL OF WRIT OF EXECUTION as to Robert Edward Whiteside regarding <u>75</u> Writ of Execution. Signed by Peter A. Moore, Jr., Clerk of Court on 10/3/2017. (Jenkins, C.) (Entered: 10/03/2017)
10/03/2017		Remark: <u>82</u> Withdrawal of Writ by USA referred to Peter A. Moore, Jr., Clerk of Court. (Jenkins, C.) (Entered: 10/03/2017)
10/03/2017	<u>82</u>	Notice filed by USA as to Robert Edward Whiteside regarding <u>75</u> Writ Issued, <u>72</u> APPLICATION for Writ of Execution by USA as to Robert Edward Whiteside. <i>Notice of Withdrawal of Writ</i> (Attachments: # <u>1</u> Withdrawal of Writ to be issued) (Royster, Joshua) (Entered: 10/03/2017)
05/09/2017	<u>81</u>	ORDER denying <u>78</u> Motion for Hearing as to Robert Edward Whiteside (1). Signed by Chief Judge James C. Dever III on 5/8/2017. Copy mailed to defendant. (Jenkins, C.) (Entered: 05/09/2017)
04/04/2017		Motion Submitted to Chief Judge James C. Dever III as to Robert Edward Whiteside regarding: <u>78</u> MOTION for Hearing, and <u>80</u> RESPONSE in Opposition by USA. (Jenkins, C.) (Entered: 04/04/2017)
04/04/2017	<u>80</u>	RESPONSE in Opposition by USA as to Robert Edward Whiteside regarding <u>78</u> MOTION for Hearing filed by USA as to Robert Edward Whiteside. (Royster, Joshua) (Entered: 04/04/2017)
04/04/2017	<u>79</u>	ORDER as to Robert Edward Whiteside regarding <u>78</u> MOTION for Hearing filed by Robert Edward Whiteside. Not later than April 18, 2017, the government shall file a response to Robert Edward Whiteside's motion for a hearing. Signed by Chief Judge James C. Dever III on 4/4/2017. Copy mailed to defendant. (Jenkins, C.) (Entered: 04/04/2017)
03/23/2017		Motion Submitted to Chief Judge James C. Dever III as to Robert Edward Whiteside regarding: <u>78</u> MOTION for Hearing. (Jenkins, C.) (Entered: 03/23/2017)
03/02/2017	<u>78</u>	MOTION for Hearing regarding <u>75</u> Writ of Execution filed by Robert Edward Whiteside. (Attachments: # <u>1</u> Envelope) (Jenkins, C.) (Entered: 03/02/2017)
03/02/2017	<u>77</u>	MANDATE of US Court of Appeals as to Robert Edward Whiteside regarding <u>64</u> Notice